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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,261

09/19/2003

Douglas A. Narlow

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IP LEGAL DEPARTMENT
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EXAMINER

SAUNDERS, PAUL

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

09/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/666,261	NARLOW, DOUGLAS A.	
	Examiner	Art Unit	
	PAUL SAUNDERS	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/23/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/23/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to **claims 1,9,14** have been considered but are moot in view of the new ground(s) of rejection. The Examiner thanks the Applicant for the timely response.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. **Claims 1,3,9,14** are rejected under 35 U.S.C. 103(a) as being unpatentable over

- i. Atick (US 6,111,517 A) in view of
- ii. Hochstein (US 5,012,392).

Regarding **claim 1**, Atick discloses an object recognition system (Title, Abstract, col. 1 lines 16-18, col. 2 line 14-col. 3 line 7) comprising: a camera 150 configured to capture said image of said human face illuminated by said visible light source (col. 3

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lines 4-7, col. 4 line 1); and a computer configured to compare data representative of said light-corrected image to stored image data (fig. 2 250, col. 5 lines 11-30).

Atick does not expressly disclose a visible light source; a light source controller configured to provide a substantially continuously variable control of an illumination level of said visible light source in response to ambient light on a human face to adjust contrast on said human face to capture a light-corrected image thereof.

Hochstein discloses a camera illumination means (fig. 1) comprising a visible light source 36; a light source controller 40 configured to provide a substantially continuously variable control of an illumination level of said visible light source in response to ambient light on a human face to adjust contrast on said human face to capture a light-corrected image thereof (fig. 1, 2, 5, col. 3 lines 13-16, 29-49, col. 4 lines 10-16, claim 1). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the object recognition system taught by Atick to further employ a dynamic illumination means for illuminating an object as taught by Hochstein in order to provide object illumination for varying situations (col. 2 lines 59-62).

Regarding **claim 3**, Hochstein discloses the object recognition system of claim 1, wherein said light source controller comprises a light sensor 36, and wherein said light source controller is configured to control an illumination level of said visible light source in response to a level of ambient light imparted on said light sensor (fig. 5, col. 4 lines 10-29).

Regarding **claim 9**, Atick as viewed (refer to the rejection of claim 1) discloses a method of illuminating a human face in an object recognition system, said method comprising: providing a substantially continuously variable control of an illumination level of a visible light source in response to ambient light on said human face to adjust contrast on said human face to capture a light-corrected image thereof.

Regarding **claim 14**, Atick as viewed (refer to the rejection of claim 1) discloses a method of controlling access of a person to a secure area, said method comprising: detecting an ambient light level on a face of said person; in response to detecting said ambient light, providing a substantially continuously variable control of an illumination level for said face, the illumination level sufficient to achieve contrast on said face to capture an image thereof; illuminating said face at said illumination level; operating a camera to capture an image of at least a portion of said face; comparing data representative of said image to stored image data; and allowing access of said person to said secure area in response to said comparing of said image to said stored image data (Atick fig. 3B 355, col. 3 line 49-col. 4 line 2, col. 6 lines 13-30 – access to secure area being access to a restricted computer system area).

5. **Claims 4-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over
- i. Atick (US 6,111,517 A) in view of
 - ii. Hochstein (US 5,012,392)
- as applied to claim 3 above, and further in view of
- iii. Morrow (US 2,913,636).

Regarding **claim 4**, Atick in view of Hochstein as viewed does not expressly disclose the object recognition system of claim 3, wherein said light source controller comprises a switch and wherein said level of said ambient light imparted on said light sensor controls a state of said switch to control said illumination level of said light source.

Morrow discloses said light source controller (fig. 1) comprises a switch 31 and wherein said level of said ambient light imparted on said light sensor 10 controls a state of said switch 31 to control said illumination level of said light source (col. 1 lines 34-36, col. 2 lines 21-28). Therefore, at the time of the invention it would have been obvious to one of ordinary skill in the art to construct the light source controller taught by Atick in view of Hochstien, as taught by Morrow because it is functionally equivalent.

Regarding **claim 5**, Morrow discloses the object recognition system of claim 4, wherein said controller further comprises at least one relay 33, and wherein said state of said switch controls a state of said at least one relay to control said illumination level of said light source (col. 1 lines 34-36, col. 2 lines 21-28).

Regarding **claim 6**, Morrow discloses the object recognition system of claim 4, wherein said controller further comprises a dimmer (col. 2 lines 43-45), and wherein said state of said switch controls a resistance of said dimmer to control said illumination level of said light source (col. 1 lines 34-36, col. 2 lines 21-28).

Regarding **claim 7**, Morrow discloses the object recognition system of claim 4, wherein said switch comprises a transistor (fig. 1, col. 1 lines 14-15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL SAUNDERS whose telephone number is 571-270-3319. The examiner can normally be reached on weekdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PS/
9/5/2008

*/Ngoc-Yen T. VU/
supervisory Patent Examiner, Art Unit 2622*

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